

HOUSE BILL 1360

M4

0lr1925

By: **Delegates Boteler, Bromwell, Kach, Lafferty, Olszewski, Schuler, Shewell, and Stein**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Agriculture – Invasive Plants – Labeling and Notice**

3 FOR the purpose of designating certain species of plant as invasive plants; authorizing
4 the Department of Agriculture to designate certain additional species of plant
5 as invasive species if the species meet certain criteria; prohibiting a person,
6 except as provided under this Act, from selling or offering for sale in the State,
7 or from planting or supplying as part of a certain landscaping service in the
8 State, invasive plants; requiring each container of invasive plant sold or offered
9 for sale in the State to have attached a certain label containing certain
10 information in a certain form; requiring a retail display of invasive plants to
11 include a certain sign containing certain information; requiring the Department
12 to develop a certain sign and provide it at no cost to certain retailers; requiring
13 a person, before supplying or planting an invasive plant as part of a certain
14 landscaping service, to give a certain customer certain notice; requiring the
15 notice to contain certain information in a certain form; prohibiting a person
16 from concealing, detaching, altering, defacing, or destroying a certain label,
17 sign, or notice; requiring the Secretary of Agriculture to adopt certain
18 regulations; requiring the Secretary to provide a certain person with certain
19 notice of a suspected violation of this Act; requiring the Secretary to provide a
20 certain person with an opportunity to dispute a suspected violation of this Act;
21 providing that a person who violates the provisions of this Act is guilty of a
22 misdemeanor and, on conviction, is subject to a certain fine; defining certain
23 terms; and generally relating to regulation of invasive plants.

24 BY adding to

25 Article – Agriculture

26 Section 9–801 through 9–808 to be under the new subtitle “Subtitle 8. Invasive
27 Plants”

28 Annotated Code of Maryland

29 (2007 Replacement Volume and 2009 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Preamble

2 WHEREAS, Invasive plants displace beneficial native species and compromise
3 valuable natural ecosystem functions such as flood and fire control and nutrient
4 cycling; and

5 WHEREAS, Invasive plants hurt the State's economy by imposing costs related
6 to control and eradication of invasive plants; now, therefore,

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Agriculture**10 **SUBTITLE 8. INVASIVE PLANTS.**11 **9–801.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) “INVASIVE PLANT” MEANS ANY SPECIES OF PLANT THAT IS
15 DESIGNATED AS AN INVASIVE PLANT UNDER § 9–802 OF THIS SUBTITLE.

16 (C) “LANDSCAPING SERVICE” INCLUDES PLANTING A GARDEN OR
17 MAINTAINING A GARDEN ON BEHALF OF A CUSTOMER.

18 **9–802.**

19 (A) THE FOLLOWING SPECIES OF PLANT ARE INVASIVE PLANTS:

20 (1) NORWAY MAPLE (ACER PLATANOIDES L.);

21 (2) TREE OF HEAVEN (AILANTHUS ALTISSIMA);

22 (3) SAWTOOTH OAK (QUERCUS ACUTISSIMA CARRUTHERS);

23 (4) EMPRESS TREE OR PRINCESS TREE (PAULOWNIA
24 TOMENTOSA);

25 (5) MIMOSA (ALBIZIA JULIBRISSIN);

26 (6) SIBERIAN ELM (ULMUS PUMILA L.);

- 1 (7) **RUSSIAN OLIVE OR AUTUMN OLIVE (ELEAGNUS**
2 **ANGUSTIFOLIA L., E. UMBELLATA);**
- 3 (8) **EDIBLE AND ORNAMENTAL CHERRY (PRUNUS AVIUM, P.**
4 **CERASUS), INCLUDING JAPANESE SPECIES AND HYBRIDS;**
- 5 (9) **BRADFORD PEAR AND OTHER ORNAMENTAL PEARS (PYRUS**
6 **CALLERYANA);**
- 7 (10) **WHITE MULBERRY (MORUS ALBA L.);**
- 8 (11) **MULTIFLORA ROSE (ROSA MULTIFLORA);**
- 9 (12) **BUSH HONEYSUCKLE (LONICERA SPP.);**
- 10 (13) **JAPANESE SPIRAEA (SPIRAEA JAPONICA L.F.)**
- 11 (14) **PRIVET (LIGUSTRUM SPP. L.);**
- 12 (15) **BURNING BUSH, WINGED EUONYMUS, OR WINGED WAHOO**
13 **(EUONYMUS ALATUS);**
- 14 (16) **JAPANESE BARBERRY (BERBERIS THUNBERGII);**
- 15 (17) **KUDZU (PUERARIA MONTANA VAR. LOBATA);**
- 16 (18) **JAPANESE HONEYSUCKLE (LONICERA JAPONICA);**
- 17 (19) **CHINESE AND JAPANESE WISTERIA (WISTERIA SINENSIS, W.**
18 **FLORIBUNDA);**
- 19 (20) **ORIENTAL BITTERSWEET (CELASTRUS ORBICULATUS);**
- 20 (21) **PORCELAIN BERRY (AMPELOPSIS BREVIPEDUNCULATA);**
- 21 (22) **ENGLISH IVY (HEDERA HELIX L.);**
- 22 (23) **WINTERCREEPER (EUONYMUS FORTUNEI);**
- 23 (24) **PERIWINKLE (VINCA SPP. L.);**
- 24 (25) **CROWN VETCH (SECURIGERA VARIA);**
- 25 (26) **CREeping BUGLEWEED (AJUGA REPTANS);**

- 1 (27) SPEARMINT (MENTHA SPICATA L.);
- 2 (28) CREEPING CHARLIE, GROUND IVY, OR
3 GILL-OVER-THE-GROUND (GLECHOMA BEDERACEA);
- 4 (29) PURPLE DEADNETTLE (LAMIUM PURPUREUM L.);
- 5 (30) INDIAN MOCK-STRAWBERRY (DUCHESNEA INDICA);
- 6 (31) COMMON REED (PHRAGMITES AUSTRALIS);
- 7 (32) GIANT REED (ARUNDO DONAX L.);
- 8 (33) JAPANESE KNOTWEED OR MEXICAN BAMBOO (POLYGONUM
9 CUSPIDATUM);
- 10 (34) PURPLE LOOSESTRIFE (LYTHRUM SALICARIA L.);
- 11 (35) LESSER CELANDINE OR CELANDINE BUTTERCUP
12 (RANANULUS FICARIA L.);
- 13 (36) PAMPASS GRASS (CORTADERIA SELLOANA AND C. JUBATA);
- 14 (37) JAPANESE SILVER GRASS (MISCANTHUS SINENSIS);
- 15 (38) REED CANARYGRASS (PHALARIS ARUNDINACEA L.);
- 16 (39) GARLIC MUSTARD (ALLIARIA PETIOLATA);
- 17 (40) JAPANESE STILT GRASS (MICROSTEGIUM VIMINEUM);
- 18 (41) MILE-A-MINUTE VINE, DEVIL'S TAIL, OR TEARTHUMB
19 (POLYGONUM PERFOLIATUM);
- 20 (42) JAPANESE PERILLA OR BEEFSTEAK PLANT (PERILLA
21 FRUTESCENS);
- 22 (43) SPOTTED KNAPWEED (CENTAUREA MACULOSA);
- 23 (44) CANADA THISTLE OR BULL THISTLE (CIRSIIUM ARVENSE L.,
24 C. VULGARE); AND

1 **(45) RUNNING BAMBOO (PHYLLOSTACHYS, BAMBUSA, AND**
2 **PSEUDOSASA).**

3 **(B) IN ADDITION TO THE INVASIVE PLANTS SET FORTH IN SUBSECTION**
4 **(A) OF THIS SECTION, THE DEPARTMENT MAY DESIGNATE, BY REGULATION, A**
5 **SPECIES OF PLANT AS AN INVASIVE PLANT UNDER THIS SUBTITLE IF THE PLANT**
6 **IS NOT NATIVE TO THE STATE AND IS, OR IS LIKELY TO BE, HARMFUL TO HUMAN**
7 **HEALTH, THE ENVIRONMENT, OR THE ECONOMY.**

8 **9-803.**

9 **EXCEPT AS PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT:**

10 **(1) SELL OR OFFER FOR SALE AN INVASIVE PLANT IN THE STATE;**
11 **OR**

12 **(2) SUPPLY OR PLANT AN INVASIVE PLANT AS PART OF A**
13 **LANDSCAPING SERVICE IN THE STATE.**

14 **9-804.**

15 **(A) EACH CONTAINER OF AN INVASIVE PLANT THAT IS SOLD OR**
16 **OFFERED FOR SALE IN THE STATE SHALL HAVE ATTACHED IN A CONSPICUOUS**
17 **PLACE A LABEL WITH THE WORDS “INVASIVE PLANT SPECIES – HARMFUL TO**
18 **THE ENVIRONMENT” IN AT LEAST 8 POINT BOLD FONT.**

19 **(B) A RETAIL DISPLAY OF INVASIVE PLANTS IN THE STATE SHALL**
20 **INCLUDE A PROMINENT SIGN THAT ADVISES CUSTOMERS THAT INVASIVE PLANT**
21 **SPECIES CAUSE HARM TO THE ENVIRONMENT.**

22 **(C) THE DEPARTMENT SHALL:**

23 **(1) DEVELOP A SIGN THAT RETAILERS MAY USE TO MEET THE**
24 **REQUIREMENT UNDER SUBSECTION (B) OF THIS SECTION; AND**

25 **(2) MAKE THE SIGN AVAILABLE TO RETAILERS AT NO COST TO**
26 **THE RETAILERS.**

27 **9-805.**

28 **(A) BEFORE SUPPLYING OR PLANTING AN INVASIVE PLANT AS PART OF**
29 **A LANDSCAPING SERVICE IN THE STATE, A PERSON SHALL GIVE WRITTEN**
30 **NOTICE TO THE CUSTOMER REQUESTING THE SERVICE THAT THE INVASIVE**
31 **PLANT IS HARMFUL TO THE ENVIRONMENT.**

1 **(B) THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**
2 **SHALL INCLUDE IN THE ENGLISH LANGUAGE THE COMMON NAME OF THE**
3 **INVASIVE PLANT IMMEDIATELY FOLLOWED BY THE WORDS “INVASIVE PLANT**
4 **SPECIES – HARMFUL TO THE ENVIRONMENT” IN NO LESS THAN**
5 **10 POINT BOLD TYPE.**

6 **9–806.**

7 **A PERSON MAY NOT CONCEAL, DETACH, ALTER, DEFACE, OR DESTROY**
8 **ANY LABEL, SIGN, OR NOTICE REQUIRED UNDER THIS SUBTITLE.**

9 **9–807.**

10 **THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE**
11 **PROVISIONS OF THIS SUBTITLE.**

12 **9–808.**

13 **(A) THE SECRETARY SHALL:**

14 **(1) NOTIFY, IN WRITING, A PERSON SUSPECTED OF VIOLATING**
15 **THIS SUBTITLE OF THE SUSPECTED VIOLATION; AND**

16 **(2) PROVIDE A PERSON SUSPECTED OF VIOLATING THIS**
17 **SUBTITLE WITH AN OPPORTUNITY TO DISPUTE THE VIOLATION.**

18 **(B) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS**
19 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
20 **EXCEEDING \$500 PER VIOLATION.**

21 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
22 **October 1, 2010.**